

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, FEBRUARY 17, 2010 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2009-May 2010</b>	
		<b>Present</b>	<b>Absent</b>
Tom Welch, Chair	P	6	2
Patrick McTigue, Vice Chair	P	8	0
Catherine Maus	P	6	2
Rochelle Golub	P	7	1
Maria Freeman	P	6	2
Fred Stresau	P	8	0
Mike Moskowitz	P	7	1
Michelle Tuggle	P	7	1
Peter Witschen	P	7	1

**Staff**

Greg Brewton, Director of Planning and Zoning  
Sharon Miller, Assistant City Attorney  
Mike Ciesielski, Planner II  
Anthony Fajardo, Planner III  
Frank Snedaker, Chief Architect  
Terry Burgess, Zoning Administrator  
Mohammed Malik, Code Inspector  
Cheryl Felder, Service Clerk  
Jim Koeth, Principal Planner  
Deborah Rutkowski, Planning Assistant  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None at this time.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	33-R-09** *	Shepherd of the Coast Lutheran Church, Inc. / City of Fort Lauderdale
2.	65-R-09**	CSH-ing Willow Wood, Inc.
3.	5-T-09	City of Fort Lauderdale
4.	Communications to the City Commission	
5.	For the Good of the City	

## **Special Notes:**

**Local Planning Agency (LPA) items (\*)** – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

**Quasi-Judicial items (\*\*)** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

## **Call to Order**

Chair Welch called the meeting to order at 6:31 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Welch introduced the Board members, and Planning and Zoning Director Brewton introduced the members of City Staff. Assistant City Attorney Miller explained the quasi-judicial process used by the Board. She noted that the text amendment before the Board is not quasi-judicial.

**Motion** made by Ms. Golub, seconded by Mr. Witschen, to approve the minutes of the December 2009 meeting. In a voice vote, the **motion** carried unanimously.

Director Brewton stated that Item 1 has been withdrawn by the Applicant, and will be re-advertised with proper notice at that time.

## **2. CSH-ing Willow Wood, LC**

**Deborah Rutkowski 65R09**

**Request: \*\*                      Site Plan Amendment to Previously Approved Conditional Use / Request for Approval of 2 Additional Residential Units/RMH-25 Zoning District**

Legal Description:              Parcel A, American Tectonics Plat No. 2, as recorded in P.B. 12, P. 21, of the Public Records of Broward County, Florida

Address:                        2855 W Commercial Blvd

General Location              North side of West Commercial Boulevard, approximately 2 blocks East of NW 31 Avenue

District:                        1

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Edward Ploski, representing the Applicant, advised that the plat for this facility was originally approved in 1986. Since that time, an additional 40 units have been added to the facility. The Application is before the Board because when purchasing the property, the current owner discovered that the plat and the site plan were not approved for the total 280 units that exist today. Of these, 278 are resident units, and there are two guest units intended for visitors.

The Applicant first had the plat restriction note amended to reflect the 278 units, and is before the Board as "a cleanup measure" to convert the two guest units as well.

Deborah Rutkowski, Planning Assistant, stated the facility is within an RMH-25 zoning district. The Application would allow for the conversion of two family visiting units to two additional resident units.

As there were no questions from the Board at this time, Chair Welch opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Maus, seconded by Mr. Stresau, to approve the Application as presented. In a roll call vote, the **motion** carried unanimously.

3. **City of Fort Lauderdale**

**Anthony Fajardo**

**5T09**

**Request: Unified Land Development Regulations Text  
Amendment:**

***Update Table of Dimensional Requirements***

**47-8.30.Table 1**

47-8.30. Table of dimensional requirements. (Note A)

**General  
Location:** Citywide

**District:** Community Facilities – House of Worship, Community  
Facilities – School, and Community Facilities – House of  
Worship/School

Director Brewton explained that this Item had previously appeared before the Board; however, the City Commission had determined that the information given to the public was insufficient to allow them to fully participate, and had returned

the Item to the Board with additional public notice. He pointed out that nothing has changed about the Item.

Anthony Fajardo, Planner, stated that the proposed changes to table dimensional requirements in Sections 47-8.30 and 47-24 of the ULDR would address Community Facilities-School, Community Facilities-House of Worship, and Community Facilities-House of Worship and School. The proposed changes would add an asterisk to the Table of Dimensional Requirements to allow for the request of additional height, subject to neighborhood compatibility.

While the request has not changed, he offered a clarification of the issue: a development site consisting of a non-residential development use adjacent to a residential use is subject to neighborhood compatibility, and all accessory uses and structures are subject to these same requirements as well. The proposed Amendment would address a request to increase the height for accessory structures. The section of compatibility cited in the proposed change relates to the modification of the height for accessory structures only, and the principal use structure will remain subject to neighborhood compatibility.

An application to request height modification requires a Site Plan Level III review, and neighborhood compatibility would apply to the increased height of the accessory structures. All compatibility criteria would apply to any proposed change to the development site. Mr. Fajardo noted that the accessory structure would be subject to that specific section of neighborhood compatibility only with regard to the height increase, and the primary structure on the site would still be subject to the entire section of neighborhood compatibility.

Ms. Golub asked if a church increasing the height of its steeple would be an accessory use. Mr. Fajardo advised this increase could be requested; however, if the building is adjacent to a residential use site, it is subject to neighborhood compatibility.

Ms. Golub observed that this would mean a non-residential facility next to a residential lot would be subject to the height section of neighborhood compatibility, should they build any structure greater than 35 ft. in height. Mr. Fajardo confirmed this as correct, and explained that a development site that has already been vetted and approved for neighborhood compatibility would be subject to specific criteria in Section 47-24 for amendments to site plans. Any change to the development site would require Staff to review the plan in relation to the thresholds listed in that Section of Code. He added that only specific items may be changed administratively, and other changes would have to come back to the approving body for review in relation to neighborhood compatibility.

He noted, however, that should the facility request an increase in height in addition to any such changes, the increase is only subject to a specific section of

neighborhood compatibility; light spillage, noise, or other concerns would still be considered part of the use.

Ms. Golub asked how light spillage can be excluded from this consideration. Director Brewton explained that a request for an increase in height would be considered with regard to the impact this height would have on the use. The Site Plan Level III review would still take place in addition to the maximum allowable height. Should the item increasing in height be, for example, a loudspeaker, its visibility and noise impact would be taken into consideration.

Ms. Tuggle requested clarification that the amendment is intended to help petition a request for approval, and does not itself grant any change. Mr. Fajardo stated this is true.

Mr. Stresau stated it should be entered into the record that all Board members received materials "from Mr. Prager." He also requested clarification of what would bring an application back for Site Plan Level III under community compatibility.

Director Brewton explained if an applicant requested an increase in the maximum height allowed under this change, Site Plan Level III would be required; "under certain situations," this would include lights, speakers, or other changes that would have an impact on the use of the property, and in these cases, neighborhood compatibility would be addressed.

Mr. Witschen noted that there may be an application for redevelopment of a site under PUD, and asked if the Board's decision on this section of Code will affect that application. Director Brewton stated that PUD is a separate section of Code from the one under discussion.

Ms. Tuggle asked why the Board was reviewing an issue on which they had previously voted. Attorney Miller explained that the City Commission had requested an additional review and recommendation based upon "additional information that you will receive tonight."

Ms. Golub noted that the Item is not quasi-judicial, but asked if the Board should disclose documents they have received. Attorney Miller advised that since the discussion is not about a specific application, this would not be necessary.

As there were no questions from the Board at this time, Chair Welch opened the public hearing.

Tucker Gibbs, representing Robert Prager and Edward Deeb, explained that they are neighbors of Cardinal Gibbons High School and therefore have "a strong interest" in the text amendment. He pointed out that their disagreement with the

Ordinance is based on the language in the tables themselves, as opposed to the Table of Dimensional Requirements; specifically, 47-24 Table 1: Development Permits and Procedures. Mr. Gibbs noted that the column indicating criteria for Site Plan Level III review, adequacy review and neighborhood compatibility review are both listed. Furthermore, this column also states "an increase in height of an accessory structure shall only be subject to Section 47-25.3A-3.e.i." He asserted that this particular section discusses neighborhood compatibility, but only in very generalized terms, and in fact deletes the specific terms dealing with buffering, lighting glare, and "all the rest of it."

Mr. Gibbs stated his clients object to the proposed Ordinance because while it attempts to solve the issue of treating religious and non-religious institutions the same, it instead created a problem through the language used in Section 47-8.30. The key issue, he asserted, should be the protection of "less intense uses" from the negative impact of more intense uses, as acknowledged in the City's Comprehensive Plan. The ULDR must be consistent with this Comprehensive Plan, he pointed out, referring the Board to the Plan's Objective 1.19 of Future Land Use, which states that development in existing neighborhoods must be compatible with the present neighborhood density and with specific plans for development and revitalization. Objective 1.20, Protection of Residential Neighborhoods, states these neighborhoods shall be protected from the impact of adjacent non-residential uses.

The ULDR's Section 47-25.3 sets forth specific neighborhood compatibility criteria in the City's development review process, which establish specific requirements including smoke, odor, noise, and design and performance standards, which deal with lighting, appearance, setbacks, neighborhood compatibility, and preservation. These provisions, taken together, implement the two objectives of the Comprehensive Plan listed above.

Mr. Gibbs stated the City's proposal to amend the ULDR reaches farther than treating non-religious and religious institutions the same, but instead unnecessarily weakens the protections for residential neighborhoods in the existing Site Plan Level III process by making "a wholesale change" of Site Plan Level III dealing with accessory structures: each of the measurable and specific standards currently in place for neighborhood protection are replaced with "one generalized provision" that states adverse impacts can be mitigated by on-site or public right-of-way improvements. He stated that the language in this section allows accessory structures to be "anything at any height," and that mitigation of the structure is "all you need," which is at issue for his clients.

With this Ordinance, he asserted, residential neighborhoods would lose consideration of maximum noise levels, landscaping and physical barriers between the residential and non-residential properties, a 5 ft. wall on the non-residential property's side, specific setbacks tied to the height of any structure

more than 40 ft. tall, and relief from "directly visible" illumination from another property. Restrictions regarding the glare on adjacent residential property would also be lost. The remaining provision "fails to provide clear and measurable standards to guide decision makers."

Mr. Gibbs continued that Section E, which is entitled Neighborhood Compatibility and Preservation, states that all developments subject to Section 47-25.3 must be compatible with the character of adjacent neighborhoods. He argued that this cannot be measured or defined, and measurable criteria must be in place.

Section E also states that the development must include improvements or modifications to mitigate adverse impacts to the adjacent neighborhoods, and pointed out that these impacts, such as traffic, noise, and visual nuisances, are also not quantified or defined. Standards are not established for any improvements that would ameliorate an adverse impact. Mr. Gibbs noted that "the courts are clear" in asking that measurable standards be set for Ordinances, while in this case measurable standards are replaced with language that is not quantifiable.

He concluded that the proposed Ordinance is inconsistent with the City's Comprehensive Plan: by removing specific and measurable standards for neighborhood compatibility from the ULDR, there is potential to allow developments and structures that are incompatible with a neighborhood. Hypothetically, a non-residential development could erect "a 90 ft. bell tower" next to a residential property, should it meet the technical setback for its zoning district. Existing Site Plan Level III has guidelines that specifically discuss height, setbacks, and other measurable standards.

Ms. Golub requested clarification of "the essence of [the] argument." Mr. Gibbs stated it is that the Ordinance is inconsistent with the Comprehensive Plan and the ULDR. Ms. Golub asked if Mr. Gibbs felt the existing Site Plan Level III standards are "good standards" for assessing a use, and whether the only issue as whether or not the existing criteria are applied to accessory structures with a height issue.

Mr. Gibbs asserted that the Board's evaluation must be based upon whether the Ordinance is compatible with the Comprehensive Plan. Attorney Miller confirmed this.

Ms. Golub stated that "all agree" with the standards and goals set forth in the ULDR, but asked how Mr. Gibbs' analysis of the proposal leads to "no standards of Site Plan Level III" being applied when the height issue is analyzed.

Mr. Gibbs advised his clients wish to make a proposal which would address this issue. He explained that the Board's recommendation will go to the City

Commission, and he wants to ensure that he has given the Board all the information he will ultimately give to the Commission.

The proposal "deals with certain flaws in the height accessory issue," he pointed out. It would involve changes to be made to the "second chart" that discusses eliminating the current specific standards.

Ms. Golub advised she did not believe the amendment eliminates the Site Plan Level III review.

Mr. Gibbs explained that his clients would like the statement "An increase in height of an accessory structure shall only be subject to 47-25.3.1.3.e.i." to be eliminated from the Ordinance.

He stated that his clients' proposal would remove this language and add the following three specifications:

- Illumination shall not be in excess of ½ ft. candle on any abutting structure; a letter of compliance would be required from an engineer or architect stating that the installation meets the requirements. He noted that while Code specifies a 1 ft. candle, the proposal is for ½ ft. as this is the standard in other municipalities for light on an abutting structure, such as a house next door.
- No tower, mast, or similar structure shall be higher than 90% of the distance from its foundation to the nearest residential property line, roadway, or public park. He asserted that the taller the structure, the farther it should be set back based upon the height.
- A 6 ft. wall instead of a 5 ft. wall.

He summed up that the proposal would remove the language that "takes out the specific criteria" and insert these three items instead. He felt this would be more compliant to the Comprehensive Plan.

Ms. Maus noted that the proposal from Staff is to add CF-H and CF-HS into Site Plan Level III, which would place them under review for adequacy and neighborhood compatibility. Language is also added that specifically exempts the issue of accessory structure height from the full neighborhood compatibility review. She asked Mr. Gibbs if he is in agreement with these proposals. Mr. Gibbs and members of Staff all agreed with this statement.

Ms. Maus continued that while she agreed that the exemption for height of an accessory structure should be removed, the three points presented by Mr. Gibbs would have to go back to Staff. She explained that she would like Staff to have appropriate input on the proposal and the measurements it includes, such as foot candles and setbacks, before the Board could responsibly make a motion to

amend the Ordinance. Mr. Gibbs replied that he and his clients would be glad to present their proposal to Staff.

Ms. Golub stated that the individuals' proposal may appease a single problem, but could create other issues. She cited the proposal for 90% horizontal distance from a structure in particular, pointing out that the City would have "no uses on any school or CF facility" that could comply with this requirement.

Mr. Gibbs explained that when the Cardinal Gibbons resolution came before the City Commission, he had stated his clients would return with an alternative proposal.

Ms. Golub advised that she felt all present agreed on neighborhood preservation and compatibility, with no "carve-outs" for specific kinds of institutions and no exceptions for accessory structures above a certain height. She noted that if Staff commented that all the criteria from Site Plan Level III were applied to an application for a height increase, the only remaining issue is agreeing on appropriate language.

Mr. Gibbs agreed that the language listing specifications should be left in the Ordinance. Ms. Golub continued it is up to Staff to determine if the language required further revision.

Mr. Witschen commented that he was not comfortable with the inclusion of a buffer wall in Mr. Gibbs' proposal, as he did not feel this would be warranted by all situations. While there are issues that concern him regarding neighborhood compatibility, and he was "troubled" by a "lack of standards," he did not feel the alternative proposal was an appropriate response.

Mr. Gibbs noted that the Board would be making a recommendation on a piece of legislation that would be applied City-wide; on the other hand, until the issue was raised in a specific case, many City schools "got lights based on these standards." He felt the Ordinance is "packaged for a particular entity," and should deal with the issue of whether religious and non-religious entities are being treated differently under the ULDR; the bottom line should be making the existing Ordinance work "so it's fair to everybody."

Mr. Stresau stated he had understood Director Brewton to have said the Staff would continue to use the criteria Mr. Gibbs asserted were being eliminated. Director Brewton clarified that there is "a missing piece" in the argument, which states non-residential use within 100 ft. of a residential property will trigger the application of "all the other neighborhood compatibility issues." He explained that accessory structures would be required to come before the Board, as a request of Site Plan Level III, when a change in height is proposed.

Ms. Maus requested clarification regarding the increase in height of an accessory structure. Director Brewton advised that if a structure is erected without a change or increase in the use of the property, this would go to Site Plan Level III.

Mr. Stresau noted that this is "only subject to A.3.e.i.," and pointed out that there are no specific criteria there by which a structure can be judged, such as level of light or height.

Director Brewton stated that all these criteria are "in that section today" and are not being changed. Mr. Gibbs pointed out, however, that while use is discussed, structure is not. His clients' concern is that nothing "slip through the cracks."

Ms. Maus noted that non-residential use within 100 ft. of a residential property would be subject to "all of neighborhood compatibility;" she asked what the reason might be for making the change. Director Brewton responded that it is intended to serve as clarification that this "didn't apply to structures."

Ms. Maus asked why this specific issue, height of an accessory structure, was selected to be exempted from Site Plan Level III review. Director Brewton stated that Staff has "interpreted the Code that way for years" and are attempting to clarify this in the Code itself.

He explained that a structure under CF-HS which does not abut residential property is not currently required to go through Site Plan Level III; if the proposed Ordinance is amended, a commercial property beside another commercial property would be required to take this step.

Mr. Gibbs argued that there is a distinction between use and structure, which is at issue for his clients. Director Brewton agreed with this estimation. A structure is arguably "not a use," which is why protection is needed when a structure is placed close to the lot line of a residential property.

Director Brewton explained that neighborhood protection is important to all present; he noted that if the principal structure had to undergo Site Plan Level III review, the accessory structure must also go through this procedure.

Ms. Maus requested clarification of the reason for the language regarding accessory structure and height. Director Brewton stated that if the language is problematic, it could be omitted from the Ordinance if the Board wished.

James Colonel, private citizen, stated he lives across the street from the property under discussion. He noted that while many residents of the City may believe the proposed usage of the Cardinal Gibbons property would only be used "for six or seven games," the mediated settlement between the City and the school allows for 35 to 40 games per year, which would occur on weekends. He asserted that

this places a "tremendous hardship" on the community due to traffic, lights, and noise.

Mr. Stresau advised that what is before the Board is the Ordinance in general rather than specific sites that the Ordinance would affect. Ms. Golub stated that she recalled the mediated settlement to differ from what Mr. Colonel had described, and added that the number of games, days on which they may be held, and their hours are clarified in the settlement itself.

Mr. Colonel read from a prepared statement, noting that the use proposed by the school has failed on three occasions in which it came before the City's Board of Adjustment. He commented that the Ordinance has no requirements for setbacks, noise, height, or buffer zones, and is greatly opposed by the surrounding neighborhood due to incompatibility, as well as "impaction" that planned events would bring to the community. Height and setback requirements in particular are needed, as the property is located next to single-family homes.

He continued that the proposed Ordinance would remove neighborhood protections that are already in place, and homeowners would have no recourse. Mr. Colonel observed that protection of a neighborhood from "big development" contributes greatly to quality of life, and urged all listening to remember that the community in question was "here first," before the school. He asked that no zoning change occur without including setback, height, noise, and other requirements.

Ms. Golub pointed out that had the school erected its lights at 35 ft., there would be nothing the community could do to address this height. Mr. Colonel noted that light spillage could be an issue in this case.

Ms. Golub advised that the Ordinance states a school wishing to install lights taller than 35 ft., "with some other characteristic outside of the Code," must come before the Board for permission. She clarified that a mediated settlement has addressed the issue specific to Cardinal Gibbons, and noted that the Board's responsibility today is to ensure that in the future, a community facility in similar circumstances must ask permission before acting.

Mr. Witschen stated his concern is that the Board is attempting to do something they are "not fundamentally empowered to do," which is creating an Ordinance that resembles "a variance to handle particular sections." He was troubled by the idea of creating City-wide law to handle an individual case, and felt the correct forum for the issue is the Board of Adjustment to address a specific determination on the Cardinal Gibbons property.

Dr. Robert Prager, private citizen, stated his home abuts the high school football field that has been referred to throughout the discussion. He is a Director of the

Coral Ridge Preservation Association and a member of the Historic Preservation Board, and clarified that he is not speaking for the latter Board. He provided the Board with handouts at this time.

He quoted the ULDR as stating "The development review criteria contained herein are intended to implement the goals, objectives, and policies of the City's plan by providing a mechanism and substantive requirements for review." He identified these requirements as the same criteria that the Ordinance would remove; if this is not the purpose, he suggested that the section that seems to propose removal be stricken from the Ordinance.

Dr. Prager also read from the minutes of a recent Historic Preservation Board meeting: "Mayor Jack Seiler said he had been an attorney for 21 years and in elected office for 17 years, and in his time as an elected official he had never seen such confusion regarding an Ordinance. He advised that the City Attorney's Office is working to tighten and strengthen the Ordinance, and he asked the Board to stay active in that process. Mayor Seiler said he believed in historic preservation, but believed the Ordinance must be clear to avoid misunderstandings." Dr. Prager asserted that this clarity is what the Board "is being asked to eliminate."

He noted that structures both create and change uses of a property, and that daytime and night activities are "totally different." Scale is also an issue, and he pointed out that 35 ft. lights would not be under discussion; however, 95 ft. for lights and "a couple thousand people on a field behind a house" have a greater effect.

He showed pictures of some uses to the Board at this time, and observed that he did not feel a structure could always be separated from a use. He also clarified that the mediated settlement allows for 30 games, "plus playoffs." He did not feel a wall between his home and the structure in question was "too much to ask."

Dr. Prager concluded that if the criteria for review are limited, a requirement for additional setbacks will also be removed, and stated that there is "not one school in the City of Fort Lauderdale that does not comply" with the additional setback, except for the school located behind his house. He noted that the 95 ft. poles have "16 non-hurricane-rated fixtures" and are located 30 ft. from a residential property; with no additional setback requirement, a structure could be placed 20 ft. from a residential property line.

Jim Ambrose, private citizen, stated he also lives in "the affected area," and showed an aerial photo of the site, noting that he had heard in 1982 that lights were denied. He asserted that they are "illegal lights" at a height of 95 ft. near residential homes that will be devalued as a result. He added that he can hear the band and PA system and see the lights "on the far side of the golf course."

Judy Ambrose, private citizen, advised that homeowners are expected to abide by the City's zoning and building laws, and felt these standards should also apply to "the entire City" to protect Fort Lauderdale's neighborhoods.

Nectaria Chakas, appearing on behalf of Pine Crest Preparatory Schools, stated that this school has an interest in the passage of the Code amendment. An asterisk has been placed on the dimensional requirements under CF-S: maximum sq. ft. gross floor is now listed as 10,000 with no asterisk. When the Code was adopted in 1997, there was an asterisk on this requirement. Ms. Chakas explained that whenever Pine Crest applies for an amendment to their site plan, they must show the 1997 Code to show that an asterisk should appear on this specification.

Ms. Golub pointed out that if the City Commission adopts the language proposed in the amendment, and believes that a "full and proper analysis will be done," it would not change the fact that structures which violate the law are a separate issue. She felt they should move beyond the "alleged wrongdoing" of the school's light towers, and should create a uniformly applied and fair standard that is in keeping with the expectations of the community.

She noted that if the distinction between a use and a structure could have a potentially negative impact on an application of Site Plan Level III criteria, she was not sure what action the Board should take; however, she felt there should be a consensus that the Board wishes to correct the disparate treatment caused by the language.

**Motion** made by Ms. Maus on Exhibit 3 as shown, but with regard to Exhibit 4, as shown but striking the last sentence, which reads "an increase in height of an accessory structure shall only be subject to 47-25.3.A.3.e.i."

Mr. Stresau stated he was "confused," as he felt the only request before the Board was to "clean up" the uses of CF-S, CF-HS, and CF-H; unless there is another reason presented by the public, he did not feel there was reason to change any of the verbiage in the existing Code, save the asterisk mentioned by Ms. Chakas.

He advised that the Board had already voted on this issue and sent it to the City Commission; in the time in which it returned to the Board for further discussion, Staff had brought in "another proposal," which he was not convinced is good and which can be omitted if necessary. He felt the only measure accomplished at tonight's meeting was granting the public another opportunity to review the Ordinance.

Director Brewton explained that the intent was to bring the issue back to the Board for "public input and review," and did not feel that it would violate the law if the Board made an additional recommendation or statement based on what they have heard tonight.

Ms. Maus pointed out that the language the Board is considering for omission was included in the Ordinance when they voted on it previously, and asked if it could be struck now. Attorney Miller stated it could.

Ms. Golub pointed out that the only "negative" she had heard, with respect to removing the "carve-out" language, was that the Board would be creating a neighborhood compatibility analysis when a CF district wishes to build something "anywhere on their property...higher or different than Site Plan III," whether or not it abuts a residential community. She asked that Staff clarify how this would affect these facilities' planning. Director Brewton advised it will not be seen as an impact if this language is removed.

Ms. Golub **seconded Ms. Maus' motion.**

In a roll call vote, the **motion** carried 7-2 (Mr. Moskowitz and Mr. Witschen dissenting).

Exhibits 3 and 4 were attached to the **motion** for clarification.

#### **4. Communications to the City Commission**

There were none at this time.

#### **5. For the Good of the City**

There were no items at this time.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:19 p.m.



Chair



Prototype